IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 820 OF 2006
IN
WRIT PETITION NO. 2908 OF 2004

H.S.T.Hegde .. Appellant.

V/s.

1. The Premier Automobiles Ltd. and others. .. Respondents.

Mr.N.M.Ganguli for the Apepllant.

Mr.Santosh Shetty for the Respondent No.1.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 22nd NOVEMBER, 2006.

P.C.:

. We heard Mr.N.M.Ganguli, the counsel for the Appellant and perused the order passed by the learned single Judge.

2. The consideration of the matter by the learned single Judge is consistent with the legal position and, particularly, the law highlighted by the Supreme Court in the case of **Mahindra & Mahindra Ltd. vs. N.B.Narawade** 2**005 (I) CLR 803.** This is what the Supreme Court said :

"As noticed herein above atleast in two of the

cases cited before us, i.e. Orissa Cement Ltd., (supra) and New Shorrock Mills (supra), this Court held : "Punishment of dismissal for using of abusive language cannot be held to be disproportionate". In this case all the forums below have held that the language used by the workman was filthy. We too are of the opinion that the language used by the workman is such that it cannot be tolerated by any civilized society".

3. The words used by the Appellant are not only derogatory or unparliamentary but are grossly abusive. The submission of the counsel for the Appellant is that the abusive words were used by the Appellant as the management provoked him by providing stinking chapaties in the canteen. The explanation does not appeal us. This was not a defence of the Appellant in the enquiry or before the labour court. All along the defence of the Appellant was that no abusive language was used by the Appellant. His defence before the labour court was that the Appellant does not belong to the culture where such words are used. However, this defence of the Appellant has not been accepted by the court.

4. All in all we find that the consideration of the matter by the learned single Judge does not suffer from any illegality, warranting interference in Appeal.

5. The appeal is dismissed in limine.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

.....